



Honorable Mike K. Nakagawa  
United States Bankruptcy Judge



Entered on Docket  
July 17, 2013

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

\* \* \* \* \*

In re: ) BK-S-10-14813-BAM

JODY MARIE CUOMO, ) Chapter 7

Debtor. )

GREGORY KELLY, ) Adversary No. 12-01124-BAM

Plaintiff, ) Date: April 2, 2013  
v. ) Time: 3:00 p.m.

JODY MARIE CUOMO, )

Defendant. )

**ORDER ON PROCEEDING TO SHOW CAUSE WHY ATTORNEY ANTHONY J.  
DELUCA SHOULD NOT BE SANCTIONED FOR FAILING TO LIST A KNOWN DEBT  
ON DEBTOR'S BANKRUPTCY SCHEDULES AND FAILING TO REPRESENT  
DEBTOR IN THIS ADVERSARY PROCEEDING<sup>1</sup>**

On March 11, 2013, the court issued an Order to Show Cause Why Attorney Anthony J. DeLuca Should Not be Sanctioned for Failing to List a Known Debt on Debtor's Bankruptcy Schedules and Failing to Represent Debtor in this Adversary Proceeding. (Adv. Dkt. No. 31).

On March 27, 2013, the court issued an Amended Order to Show Cause Why Attorney Anthony J. DeLuca Should Not be Sanctioned for Failing to List a Known Debt on Debtor's Bankruptcy Schedules and Failing to Represent Debtor in this Adversary Proceeding ("OSC"). (Adv. Dkt.

<sup>1</sup> In this Order, all references to "Adv. Dkt. No." are to the documents filed in the above-captioned adversary proceeding. All references to "Dkt. No." are to the documents filed in the above-captioned bankruptcy case.

1 No. 47). On March 29, 2013, Anthony J. DeLuca (“attorney DeLuca”) filed a Motion to  
 2 Withdraw as Attorney of Record (“Withdrawal Motion”). (Dkt. No. 49).<sup>2</sup>

3 On June 20, 2013, the court entered its Opinion Sanctioning Attorney Anthony J. DeLuca  
 4 for Failing to Schedule a Known Debt and Granting His Motion to Withdraw as Counsel for  
 5 Jody Marie Cuomo (“Opinion”). (Adv. Dkt. No. 115). On June 21, 2013, the court entered an  
 6 order denying as superfluous in light of the Opinion, a proposed order submitted by attorney  
 7 DeLuca with respect to his Withdrawal Motion. (Dkt. No. 59). On June 24, 2013, attorney  
 8 DeLuca filed a Notice of Appeal with respect to the Opinion. (Adv. Dkt. No. 126). On June 25,  
 9 2013, notice was entered indicating that the appeal had been referred to the United States  
 10 Bankruptcy Appellate Panels of the Ninth Circuit (“BAP”). (Adv. Dkt. No. 127).

11 On July 9, 2013, attorney DeLuca filed an Ex Parte Motion to Deposit Funds into Court  
 12 Registry. (Adv. Dkt. No. 155). On July 10, 2013, an order was entered denying that motion.  
 13 (Adv. Dkt. No. 158).<sup>3</sup>

14 On July 12, 2013, the BAP entered a Clerk’s Order providing for a limited remand to the  
 15 bankruptcy court for entry of an order or orders effectuating the court’s prior Opinion. (Adv.  
 16 Dkt. No. 168). In view of the limited remand, the court therefore enters the instant order  
 17 reflecting the court’s disposition of the OSC; a separate order is entered concurrently herewith  
 18 with respect to the Withdrawal Motion.

19 Good cause appearing,

20 **IT IS HEREBY ORDERED** that attorney Anthony J. DeLuca shall disgorge the amount  
 21 of \$851.00, payable to Jody Marie Cuomo, no later than 14 calendar days from the date of entry  
 22 of this Order.

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24       <sup>2</sup> On May 23, 2013, while the OSC and Withdrawal Motion were under submission,  
 25 attorney DeLuca filed a motion to recuse the then-assigned bankruptcy judge. (Adv. Dkt. No.  
 26 72). On June 3, 2013, an order was entered by a different judge denying that motion. (Adv. Dkt.  
 27 No. 86).

28       <sup>3</sup> On July 10, 2013, an order was entered reassigning the adversary proceeding and the  
 29 bankruptcy case due to the retirement of the originally assigned bankruptcy judge. (Dkt. No.  
 63).

**Notice and Copies sent through:**

**CM/ECF ELECTRONIC NOTICING AND/OR  
BNC MAILING MATRIX**

and sent via FIRST CLASS MAIL BY THE COURT AND/OR BNC to:

JODY MARIE CUOMO  
1725 S. RAINBOW BLVD. #16-80  
LAS VEGAS, NV 89146

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